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4 DAVID RODRIGUEZ,
5 Petitioner,
6 v.
7 J. LIZARRAGA,
8 Respondent.
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10 Case No. 14-cv-03620-PJH
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12 **ORDER TO FILE A RESPONSE**
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14 Petitioner, proceeds with a pro se petition for a writ of habeas corpus. In the
15 original petition, the sole ground for relief asserted that the trial court issued an erroneous
16 jury instruction regarding voluntary intoxication that failed to describe the relationship
17 between petitioner's methamphetamine use and the specific intent required for first
degree murder by means of torture.

18 The case was later stayed so petitioner could exhaust additional claims. Petitioner
19 has now filed a motion to lift the stay and an amended petition. However the only claim
20 in the amended petition is the claim regarding the jury instruction from the original
21 petition.

22 **Within 7 days**, petitioner must indicate if he only wishes to proceed with this one
23 claim. If petitioner wishes to proceed with additional claims, he must demonstrate they
24 have been exhausted by attaching the petition to the California Supreme Court. Failure
25 to file a response will result in this case continuing on the one claims discussed above.
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1 **IT IS SO ORDERED.**

2 Dated: July 10, 2015



3 PHYLLIS J. HAMILTON
4 United States District Judge

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4 DAVID RODRIGUEZ,
5 Plaintiff,
6 v.
7 J. LIZARRAGA,
8 Defendant.

9 Case No. 14-cv-03620-PJH

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11 **CERTIFICATE OF SERVICE**

12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.
13 District Court, Northern District of California.

14 That on July 10, 2015, I SERVED a true and correct copy(ies) of the attached, by placing
15 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by
16 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery
17 receptacle located in the Clerk's office.

18
19 David Rodriguez ID: AL2755
20 Mule Creek State Prison
P.O. Box 409040
Ione, CA 95640

21
22 Dated: July 10, 2015

23
24 Richard W. Wieking
25 Clerk, United States District Court

26
27 By: _____
28 Nichole Peric, Deputy Clerk to the
Honorable PHYLLIS J. HAMILTON